

Application No.: 10/522,242  
Art Unit: 2176

Amendment under 37 C.F.R. §1.111  
Attorney Docket No.: 052032

### **REMARKS**

Claims 1-15 are pending in the present application. Claims 1-14 are rejected. Claim 14 is herein amended. New claim 15 is herein added. No new matter is believed to have been entered through the claim amendment or new claim. Further, upon belief, it is respectfully submitted that this paper is fully responsive to the outstanding Office Action.

### **Specification**

The Examiner contends that the title of the application is not descriptive.

The title is herein amended as follows:

“CONTENTS SUMMARIZING UNIT AND CONTENTS SUMMARIZING  
PROGRAM THAT PRODUCE CONTENTS SUMMARY INFORMATION  
SUMMARIZED FROM CONTENTS”

The Examiner is respectfully requested to withdraw their objection over the title.

### **Claim Rejections - 35 U.S.C. §101**

**Claims 1-14 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.**

The rejection is respectfully traversed.

The Examiner contends that, “the first two items of the limitation, *a contents summarizing unit that extracts a characteristic motion of a player during a match from contents regarding sports of a program that is on the air, of a material image prior to broadcasting*, are non-statutory because they are directed to signals or carrier waves, i.e., “on the air”, and are not tangibly embodied in computer hardware, and as such, do not fall within one of the statutory categories of invention. Therefore, claim 1 is not limited to a statutory claim of invention.” The Examiner’s contention is respectfully traversed.

Firstly, it appears as if the Examiner has misapplied the legal standards of 35 U.S.C. 101. It is submitted that the Examiner’s contentions regarding “signals or carrier waves” is misplaced as the preamble clearly recites that claim 1 is directed toward “a contents summarizing unit....” As such, at least claim 1 of the present application relates to an apparatus, in contrast to a “signal or carrier wave” as furthered by the Examiner.

Further, MPEP 2106 entitled “Patentable Subject Matter” states that, “a claim reciting only a musical composition, literary work, compilation of data, signal, or legal document (e.g., an insurance policy) *per se* does not appear to be a process, machine, manufacture, or composition of matter. >See, *e.g.*, *In re Nuijten*, Docket no. 2006-1371 (Fed. Cir. Sept. 20, 2007)(slip. op. at 18)(“A transitory, propagating signal like Nuijten’s is not a ‘process, machine, manufacture, or composition of matter.’ ... Thus, such a signal cannot be patentable subject matter.”).” Contrastingly, it is clear that claim 1 is directed to a contents summarizing unit.

Additionally, the Examiner is respectfully requested to review claim 1 of present application once again to appreciate the fact that said claim recites, “a contents summarizing unit that extracts a characteristic motion of a player during a match from contents regarding sports of a program that is one the air...” The claim is directed to a contents summarizing unit, not to signals or carrier waves.

The comments presented above over independent claim 1 are applicable toward claims 2-11 because of their direct or indirect respective dependencies therefrom.

Furthermore, the comments presented above are also applicable toward independent claims 12-14 where appropriate as: claim 12 recites “a contents summarizing unit” similar to independent claim 1; while each of claims 13 and 14 recite “a contents summarizing program that activates a contents summarizing unit....” Additionally, claim 14 is herein amended to recite, “a contents summarizing program stored on a computer readable medium that activates a contents summarizing unit that extracts a characteristic motion of a player that shows development of a match from contents regarding sports of a program that is on the air....”

In view of the foregoing, it is respectfully submitted that the rejection is overcome.

**Claim Rejections - 35 U.S.C. §103**

**Claims 1-8 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Divakaran et al. ("Divakaran"), (US 7,383,504 B1), in view of Errico et al. ("Errico"), US 7,055,168 B1.**

The rejection is respectfully traversed.

In the outstanding Office Action at page 4, the Examiner concedes that Divakaran does not teach or suggest an inside expressing information producing part as recited in at least claim 1 of the present application. (e.g., "Divakaran suggests an inside expressing information producing part..."). Further, the Examiner contends on the same page that, "Divakaran does not explicitly teach describing an outline of the match, however, Errico teaches describing an outline of a video based on event information, providing multiple levels of summary (col. 5, l. 15-col. 6, l. 11)." The Examiner's contention is respectfully traversed.

As a non-limiting example regarding the inside expressing information producing part recitation of claim 1 of the present application, the Examiner is respectfully directed to page 11, lines 4-12 of the Specification of the present application:

"The inside expressing information producing part 102 produces inside expressing information that describes an **outline** of the match based on the event information. More concretely, for example, a characteristic motion of a player such as a service ace or a double fault is evaluated with respect to each game or each set, and inside expressing information regarding development of the match such as "The game had a lot of service aces", or "The set had a lot of double faults" is produced."

The citation Errico relates to a method for interpreting and executing user preferences of audiovisual information and describes in the cited portion, in contrast to the aforementioned recitation of claim 1 of the present application, a program description scheme 18 that includes two sets of information, namely program views and program profiles. (Errico; column 5 line 16 to column 6, line 12).

The program views of Errico define logical structures of the frames of a video that define how the video frames are potentially to be viewed suitable for efficient browsing. The program view descriptions may contain thumbnail, slide, key frame, highlights and close-up views so that users can filter and search not only at the program level but also within a particular program. (Errico; column 5, lines 16-42).

In view of the foregoing description of Errico, it is apparent that an **outline** as recited in at least claim 1 of the present application is not described in the citation; but instead, the program views and program profiles described therein are utilized in aiding a user to access information in varying detail amounts, and further, the program profiles are suitable to facilitate filtering and searching of the audio and video information. Thus, the explicit definition of the particular programs or attributes related thereto permits the system 16 to select those programs from the information contained within the available program description schemes 18 that may be of interest to the user. (Errico; column 16, lines 21-25).

Accordingly, the various descriptive information utilized in Errico (program views and program profiles) relates to identifying specific portions of a program to aid in a search, in contrast to the aforementioned recitation claim 1 of the present application, which recites “an inside expressing information producing part that produces inside expressing information describing an outline of the match based on the event information.”

As such, it is submitted that the cited art, either alone or in combination, fails to teach or suggest at least the recitation of claim 1 of the present application of the inside expressing information producing part.

Further, the dependent claims (e.g., claims 2-8) are patentable for at least the reason of each of their direct or indirect respective dependencies from independent claim 1 of the present application.

Regarding independent claim 13, as the Examiner employs a similar rationale in rejecting the present claim to that of independent claim 1 regarding the “outline of the match” recitation, the arguments presented above over the cited art are applicable here where appropriate.

In view of the foregoing, it is respectfully submitted that the rejection is overcome.

**Claims 9-12 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Divakaran in view of Errico et al., and further in view of Carlbom et al. (“Carlbom”), (US 7,203,693 B2).**

The rejection is respectfully traversed.

Claims 9-11 depend indirectly from independent claim 1, and are patentable for at least the reason of its respective dependency.

Also, regarding independent claims 12 and 14, as the Examiner employs a similar rationale in rejecting said claims to that of independent claim 1 regarding the “outline” of the match recitation, the arguments presented above over the cited art are applicable here where appropriate.

In view of the foregoing, it is respectfully submitted that the rejection is overcome.

**New Claim**

New claim 15 is herein added which recites, “wherein the surface sentence information is formed by being expressed from a view point of a designated player or a team.”

Support for the recitation of the new claim may be found in at least page 12, lines 4-12 of the Specification of the present application which states in part, “in addition, on an occasion when the surface sentence information is produced, an expression that centers on the above-mentioned focused player is used based on the user information. As a result, the surface sentence information is formed by being expressed from a view point of the designated player or team.”

The correlated portion of the surface sentence information recitation of claim 1 of the present application to the cited art in the Office Action indicates that Divakaran teaches summarizing an event by attributes of the commentary of the announcer as explicitly stated by the Examiner at page 4 of the outstanding Office Action. (e.g., “Divakaran teaches a surface sentence information producing part ... because Divakaran teaches summarizing an event by attributes of the commentary of the announcer (Fig. 3c, item 321; col. 7, l. 15-55)” : Office Action, page 4).

It is submitted that the cited art, either alone or in combination, fails to teach or suggest at least the aforementioned recitation of claim 15 of the present application.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.



Application No.: 10/522,242  
Art Unit: 2176

Amendment under 37 C.F.R. §1.111  
Attorney Docket No.: 052032

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Joseph W. Iskra  
Attorney for Applicant  
Registration No. 57,485  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

JWI/jac